

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ROWENA JO WERTH, on behalf of J.A.W.,  
JOSHUA HEPHNER, MARK A WERTH,  
JR., and JENNIFER MANKINS,

Plaintiffs,

vs.

Case No. 09-1015-JTM

USD 259 SCHOOL DISTRICT,  
CITY OF WICHITA,  
WICHITA POLICE DEPARTMENT,

Defendants.

MEMORANDUM AND ORDER

This matter is before the court on the Motion to Dismiss by the City of Wichita. The City initially moved for a more definite statement from *pro se* plaintiffs. This motion was granted (Dkt. 19), but plaintiffs failed to file any response in the allotted time. The court then issued a order to show cause (Dkt. 21). Ultimately plaintiff Rowena Werth filed a response reciting a variety of facts in the case. The city then filed the present motion to dismiss, arguing that Werth has failed to demonstrate the existence of any actionable claim under 42 U.S.C. § 1983, because there are no facts asserted in the most recent filing which would justify the imposition of liability against the municipality, having failed to show any applicable violation of a constitutional right, or any municipal policy supporting or condoning the alleged actions of the unnamed officers.

Werth has filed no response to the city's motion to dismiss. The court previously dismissed as a defendant Wichita School District 259 when the plaintiffs filed no response to the district's Motion to Dismiss. (Dkt. 10).

The court will grant the defendant city's Motions to Dismiss both for good cause shown, and pursuant to D. Kan. R. 7.4

IT IS ACCORDINGLY ORDERED this day of December, 2009, that the defendant's Motion to Dismiss (Dkt. 27) is granted.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE